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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,817	12/08/2003	Yuji Abuku	00862.023347	9256
5514	7590	02/07/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				SHECHTMAN, SEAN P
ART UNIT		PAPER NUMBER		
2125				

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/728,817	ABUKU, YUJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sean P. Shechtman	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 15 November 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 19-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 19-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 November 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. Claims 19-30 are presented for examination. Claims 1-18 have been cancelled. Claims 19-30 have been added.

### *Drawings*

2. Objections withdrawn due to the amendment.

### *Specification*

3. Objections withdrawn due to the amendment.

### *Claim Rejections - 35 USC § 112*

4. Claims 19 and 25 require the limitation of providing the parameter file to another information processing apparatus out of the exposure system, however, the claims never require that the parameter file be inside the exposure system. Therefore, it is not clear how the parameter file can be provided out of a system that it is not in.

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 19, 21-25, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,969,972 to Kerszykowski in view of U.S. Pat. No. 6,128,403 to Ozaki.

Referring to claims 19 and 25, Kerszykowski teaches an information processing method and apparatus used for an exposure system, comprising: generating a parameter file described in program based on a parameter used in the exposure system (Col. 2, lines 32-37; Col. 2, lines 38-45), the parameter file including information for displaying an image concerning at least one of a shot layout and a sample shot for an exposure process to be performed by the exposure system

(Col. 4, lines 13-26, information concerning the number of exposures and the location of each exposure), and a program for editing the image (Col. 4, lines 13-26).

The claims, as such, do not require displaying the shot layout or sample shot.

Referring to claims 21 and 27, Kerszykowski teaches receiving the parameter from the exposure system (Col. 2, lines 32-37).

Referring to claims 24 and 30, Kerszykowski teaches transmitting a parameter edited via the program to the exposure system (Col. 8, lines 36-37).

Referring to claims 19, 22, 25, 28, Kerszykowski teaches all of the limitations set forth above, however, Kerszykowski fails to teach that the parameter file is transmitted to another information processing apparatus out of the exposure system and Kerszykowski fails to teach that the parameter file is described in a markup language. Referring to claims 23 and 29, Kerszykowski fails to teach receiving the parameter file from the other information processing apparatus

However, referring to claims 19, 22, 25, 28, Ozaki teaches analogous art, wherein a parameter file is transmitted to another information processing apparatus out of the exposure system (Col. 6, lines 7-9; Col. 6, lines 31-34; Fig. 1, element 4; Fig. 3; Col. 8, lines 36-37; Fig. 2) and Ozaki teaches that the parameter file is described in a markup language (Col. 8, lines 32-45; Col. 9, lines 54-57). Referring to claims 23 and 29, Ozaki teaches receiving the parameter file from the other information processing apparatus (Fig. 2; Col. 6, lines 18-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Kerszykowski with the teachings of Ozaki.

One of ordinary skill in the art would have been motivated to combine these references because Ozaki teaches a wafer map analysis aid system that is convenient for predicting abnormalities, failures, or mask generated when changing production form (Col. 4, lines 17-25).

6. Claims 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,969,972 to Kerszykowski in view of U.S. Pat. No. 6,128,403 to Ozaki, as applied to claims 19 and 25 above, and further in view of U.S. Pub. No. 2003/0025732 to Prichard.

Referring to claims 20 and 26, Kerszykowski/Ozaki teaches all of the limitations set forth above, however, Kerszykowski/Ozaki fails to teach the program is described in a script language.

However, referring to claims 20 and 26, Prichard teaches analogous art, wherein the program is described in a script language (Page 1, paragraph 17).

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Kerszykowski/Ozaki with the teachings of Prichard. One of ordinary skill in the art would have been motivated to combine these references because Prichard teaches providing customized graphical user interfaces and/or screen layouts in a computer system wherein the user can interactively edit application data dynamically and freely (Page 1, paragraphs 16-18).

***Response to Arguments***

7. Applicant's arguments with respect to claims 19-30 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art or art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents or publications are cited to further show the state of the art with respect to computer programs calculating layout of shots.

U.S. Pat. No. 4,586,141 to Yasuda.

U.S. Pat. No. 6,016,391 to Facchini.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPS

Sean P. Shechtman

February 2, 2005



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